

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

JOHNATHAN CHARLES HUGHES,

Plaintiff,

v.

AT&T, *et al.*,

Defendants.

Case No. 3:19-cv-179-SLG-DMS

**ORDER RE FINAL REPORT AND RECOMMENDATION**

Before the Court at Docket 9 is Defendant's First Amended Complaint. The document was referred to the Honorable Magistrate Judge Deborah M. Smith for screening. At Docket 11, Judge Smith issued a Final Report and Recommendation, in which she recommended that the First Amended Complaint be dismissed for failure to state a claim upon which relief may be granted and without leave to amend. Judge Smith further recommended that all pending motions be denied as moot. No objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."<sup>1</sup> A court is to "make a de novo determination of those portions of the magistrate judge's report

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

or specified proposed findings or recommendations to which objection is made.”<sup>2</sup>  
But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The magistrate judge recommended that the Court dismiss the First Amended Complaint for failure to state a claim upon which relief may be granted and without leave to amend. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that the First Amended Complaint be dismissed for failure to state a claim upon which relief may be granted and without leave to amend. IT IS FURTHER ORDERED that all pending motions are denied as moot. The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 16<sup>th</sup> day of March, 2020 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> *Id.*

<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).